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Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control

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Report of the Secretary-General

Addendum**

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II. Replies received from Governments

Spain

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Spanish society is very sensitive to the potential environmental impact of any industrial activity, and this is an important consideration in the implementation of disarmament and arms limitation agreements. In Spain, the environmental norms of the European Union, which have been incorporated into Spanish law and are consequently binding, serve as the benchmark for environmental management.

Below is a description of the procedures Spain follows for the destruction of weapons and ammunition in implementation of the main disarmament and arms limitation agreements to which it is a party.

Destruction of anti-personnel mines: *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction (Mine Ban Treaty)*

The 1997 Mine Ban Treaty requires the destruction of national stockpiles not later than four and a half years after the deposit of the instrument of ratification.

Spain, by Act No. 33/1998, of 5 October 1998, on the total prohibition of anti-personnel mines and weapons with similar effects (Official Gazette No. 239 of 6 October 1998), undertook to destroy its arsenal of anti-personnel mines before 7 October 2001. The destruction process, however, was completed 12 months earlier, on 3 October 2000, over two years in advance of the deadline established in article 4 of the Convention.

The destruction of the anti-personnel mines was carried out by the Spanish company Fabricaciones Extremeñas (FAEX), which guaranteed maximum security and zero environmental impact, in conformity with the ISO-14000 standard and Council of the European Union Directive 94/67/EC, on the incineration of hazardous waste.

In all, 849,365 mines were destroyed in a record period of 28 months, at the rate of 1,200 a day. The total cost of the operation was €3,228,000, and thus the unit cost amounted only to €3.8.

The process began with the dismantling of the mines and the separation of the explosive charge from the casing and the rest of the components. The explosive was then incinerated in a 450-degree furnace. The resulting gases then passed through a treatment line in which the heavy metals were separated out and later collected by waste management companies. The end gases were subjected to catalytic oxidation that converted carbon monoxide into carbon dioxide, thus rendering them harmless to the environment. As evidence of the destruction of these mines, the membrane of each mine with the identification number and date of destruction was retained.

Destruction of conventional weapons: *Treaty on Conventional Armed Forces in Europe*

The Treaty, which entered into force in 1992, imposed limits on stockpiles in five categories of conventional weapons, and required stockpile reductions. In the

case of Spain, this meant disposing of 371 battle tanks and 87 artillery pieces, a process it completed on 16 November 1995.

Since that date, further reductions have been made in order to offset the entry into service of new materiel and ensure that the limits laid down in the five categories of weapons are not exceeded. Furthermore, Spain has embarked on a reduction of its stockpiles that goes beyond the obligations imposed by the Treaty.

Article VIII of the Treaty sets out the options for reducing each category of armaments subject to limitation: it allows for their conversion to non-military purposes, placement on static display, or use for ground instructional purposes or as ground targets, but the commonest method is destruction.

The destruction process is regulated in the Protocol on Procedures Governing the Reduction of Conventional Armaments and Equipment Limited by the Treaty on Conventional Armed Forces in Europe, which establishes the various ways in which a weapon may be rendered unusable. The Protocol does not, however, impose any environmental stipulations; on the contrary, it states that "each State Party shall have the right to use any technological means it deems appropriate".

In the case of Spain, reduction has been contracted out to private firms which, from an environmental standpoint, are subject to the general laws of the State and the specific laws of the autonomous communities in which the reduction takes place.

The process is as follows:

- As a preliminary step, usable components not subject to compulsory reduction under the Treaty are removed from the weapon along with any remaining ammunition. This step is carried out by military units themselves;
- Next, responsibility is transferred to the reduction firm, which must first remove any remaining contaminants, namely, combustible liquids or gases, lubricants or coolants, electric batteries and lighting fixtures; also, closed-cycle soot residues are washed out, with the wastewater decanted. All these contaminants are channelled into the national system for the collection of hazardous substances, regulations governing which meet the general criteria established by the European Union;
- Lastly, the metallic parts are rendered unusable by one of the following procedures: cutting, deformation or crushing. Spain has rejected the explosive demolition method, precisely because of the impact on the environment. The metal remnants are used as scrap by the private firms involved, which keep them in partial payment for their services and send them to blast furnaces to be melted down.

Destruction of small arms and light weapons: *Organization for Security and Cooperation in Europe (OSCE) Document on Small Arms and Light Weapons*

Section IV (C) 2 of the OSCE Document on Small Arms and Light Weapons provides that "destruction will generally be used to dispose of illicitly trafficked weapons seized by national authorities, once the legal due process is complete".

The same criterion applies by extension to arms seized by Spanish troops taking part in peacekeeping operations. Whenever the number of arms seized is limited — which happens more often as a crisis abates — and the storage of the

arms is precarious because the necessary security cannot always be guaranteed, they are rapidly destroyed as stipulated in Spain's Arms Regulations. In the case of pistols or rifles, holes are drilled in the barrel and the essential components of the receiver. In the case of grenade launchers and flame-throwers, crushing is used if access to a plant equipped with a hydraulic press is possible; otherwise, they are cut up with a blowtorch. A list of the destroyed arms is compiled under the supervision of the chief of the unit and a report is submitted to the officials of the international organization heading the mission. In addition, seized arms have on occasion been destroyed in public ceremonies in the presence of witnesses and the local media.

The OSCE Document on Small Arms and Light Weapons further provides in section IV (C) 1 that "any small arms identified as surplus to a national requirement should, by preference, be destroyed". In such cases, because there is usually a large number of weapons, they are appropriately stored. Armament reduction programmes are then established which, once funded, are taken over by manufacturing installations managed by the logistical services of the Ministry of Defence or contracted out to private companies listed by the Ministry. The technique ordinarily used is crushing and/or cutting with mechanical or hydraulic shears, these being considered the least contaminating methods. Alternatively, exceptionally rigid components are cut up using an oxyacetylene torch. In all cases, it is ensured that the weapon and all essential and auxiliary components are rendered unusable. Until it is officially certified that a weapon has been destroyed, the parts bearing the identification number are kept. The weapon is stricken from the inventory once an expressly designated board of officers has drawn up a certificate of destruction. Once the weapon has been destroyed, the metallic parts are separated from the rest, consisting of wood, plastics, Bakelite, glass, etc. Once the various components have been separated, the metal scrap is sent to foundries while the other residues are channelled into the national waste treatment system.

Destruction of fragmentation weapons: *Convention on Cluster Munitions*

The Convention, signed at Oslo on 3 December 2008, requires the destruction of national stocks of cluster munitions within eight years of entry into force. However, Spain has already destroyed all such munitions supplied to its armed forces, with the exception of those retained for development and training, in accordance with article 3, paragraph 6, of the Convention.

The destruction of all types of cluster munitions equipping the Spanish armed forces was carried out by the Spanish company Fabricaciones Extremeñas, which guaranteed maximum security and zero environmental impact, in conformity with the ISO-14001:2004 standard and with Council Directive 94/67/EC, on the incineration of hazardous wastes.

Between December 2008 and March 2009, a total of 1,950 ESPIN-21 mortar rounds, 1,825 MAT-120 mortar rounds, 575 CBU-100 and CBU-99B air-dropped bombs and 385 BME-330 B/AP air-dropped bombs were destroyed. The total cost of the operation was €4,911,357.45, with the unit cost varying, according to the type of munition, from €500 for the simplest to €6,000 in the case of BME-330 B/AP bombs.

The industrial process followed began with the dismantling of the bombs and the separation of the various components. Inert components (ferrous and non-ferrous metals, plastics and textiles) were separated out and recycled using the national

waste treatment system. Active components were incinerated in an adiabatic furnace, and the resulting gases passed through a treatment line in which the heavy metals were separated out for later collection by waste management companies. The end gases were subjected to catalytic oxidation that converted carbon monoxide into carbon dioxide, innocuous to the environment. As evidence of the destruction, a characteristic component of the cluster bomb, such as the parachute or the stabilizing fin, depending on the type of bomb, was retained.